

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION**

IN RE:	:	CASE NO. 21-10043-PMB
	:	
NORTHERN EXPOSURE CONEY	:	
ISLAND LLC,	:	CHAPTER 11
	:	
DEBTOR.	:	

UNITED STATES TRUSTEE'S MOTION TO DISMISS

COMES NOW, Nancy J. Gargula, the United States Trustee for Region 21, in furtherance of her administrative responsibilities imposed by 28 U.S.C. § 586(a), and respectfully moves this Court to enter an order dismissing the above-captioned Chapter 11 case for cause pursuant to 11 U.S.C. § 1112(b). In support thereof, the United States Trustee represents as follows:

1.

The Court has jurisdiction over this matter under 28 U.S.C. § 1334(a) and (b), and 28 U.S.C. § 157(a) and (b)(1). This is a core proceeding under 28 U.S.C. § 157(b)(2)(A).

2.

Pursuant to 11 U.S.C. § 307, the United States Trustee has standing to be heard with regard to this motion.

3.

On January 15, 2021, Northern Exposure Coney Island, LLC (the "Debtor") commenced this case by filing a voluntary petition for relief under Chapter 11 of the Bankruptcy Code (the "Petition").

4.

The petition is signed by Taiwan L. Garner, who identifies herself as the “owner” of the Debtor. No attorney signed the petition as representative of the Debtor.

5.

The Court should dismiss this case, for cause, pursuant to 11 U.S.C. § 1112(b). Because the Debtor is an artificial entity, it cannot represent itself in this proceeding, nor may its officers appear before this court on its behalf unless they are licensed attorneys. *See Palazzo v. Gulf Oil Corp.*, 764 F.2d 1381, 1385 (11th Cir. 1985), *cert. denied*, 474 U.S. 1058 (1986); *National Indep. Theatre Exhibitors, Inc. v. Buena Vista Distrib. Co.*, 748 F.2d 602, 609 (11th Cir. 1984), *cert. denied*, 474 U.S. 1056 (1985).

WHEREFORE, the United States Trustee respectfully moves this Court to enter an order dismissing this case, directing payment of any unpaid chapter 11 filing fees and special charges, and granting such other relief as the Court deems just and proper.

Dated: January 15, 2021.

NANCY J. GARGULA
UNITED STATES TRUSTEE
REGION 21
/s/ Jonathan S. Adams
JONATHAN S. ADAMS
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CERTIFICATE OF SERVICE

I, Jonathan S. Adams, certify that I am over the age of 18 and that on January 15, 2021, I caused a copy of the foregoing *United States Trustee's Motion to Dismiss* to be served by first class, United States mail service, with adequate postage to ensure delivery to:

Northern Exposure Coney Island, LLC 1513 Lafayette Prkwy LaGrange, Georgia 30241	
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/s Jonathan S. Adams
JONATHAN S. ADAMS